THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.8398 of 1989

ORDER:

The two petitioners approached this court through this writ petition seeking to declare that the action of the respondents
3 and 4 in proposing to fill up the grant-in-aid posts in the Departments of Politics and History by the persons other than the petitioners is illegal and arbitrary and to direct the respondents to consider the case of the petitioners for grant-in-aid posts with all benefits including the salary due on par with the other lecturers working on regular basis.

The third respondent filed counter affidavit and also additional counter affidavit. Perused the contents of the same. Heard the learned counsel for the writ petitioners as well as the learned counsel for the respondents.

During the pendency of the writ petition, the first petitioner died and the cause of action survives only in respect of the second petitioner. The second petitioner also left the service of the respondent-college in November 1991. Therefore, the cause of action in respect of the salary due to the second petitioner only remained. During the pendency of the writ petition, this court passed an interim order in W.P.M.P.No.10950 of 1989 on 22-06-1989, which reads as follows:

> "It is ordered that notice returnable within two weeks do issue to the respondents herein to show cause why this application should not be complied with and it is further ordered that the respondents herein viz., the Special Officer, V.S.R. & N.V.R. College, Tenali, Guntur District and the Principal, V.S.R. & N.V.R. College, Tenali, Guntur be and hereby are directed to pay the salary to the petitioners for the period of for which they worked pending further orders in this petition."

Subsequently, in W.P.M.P.No.10950 of 1989 the petitioners filed W.P.M.P.No.17197 of 1990 and another interim order was passed by this Court on 04-03-1991, which reads as follows:

> "When the matter is called, the learned Government Pleader is absent. Heard the

learned counsel for the petitioners.

It is represented that as per orders dated 05-10-1990 respondents 4 and 5 were directed to pay salaries of the petitioners from out of the "Endowment funds". Since it is represented that "Endowment funds" are not available, the respondents 4 and 5 be directed to pay the salaries of the petitioners from any other funds available. The respondents 4 and 5 are directed to pay the salaries of the petitioners from out of such funds that are available with them from which salaries can be paid, within one month from this date."

The learned counsel for the second petitioner represented that though the second petitioner worked as a part-time lecturer in History from 26-10-1984 to 12-11-1991, the salary was paid up to August 1986 only and the respondents failed to pay the salary from September 1986 to November, 1991. Therefore, he requested to confine the relief for the arrears of the salary to the above period.

The respondents did not place any material to show that the amount due to the second petitioner was paid, though it was averred in the counter affidavits that the petitioner has to approach a civil court for recovery of the arrears of the salary, if any.

The respondents did not comply the interim directions and pay the arrears of salary to the second petitioner. Since there were already interim directions to the respondents to pay the arrears of salary to the second petitioner, there is no need to pass any further order in this writ petition.

The interim order dated 22-06-1989 in W.P.M.P.No.10950 of 1989 and interim order dated 04-03-1991 passed by this Court in W.P.M.P.No.17197 of 1990 shall be treated as orders in the writ petition. It is clarified that the second petitioner is entitled for the salary as per the certificate issued by the Principal of the College on 18-11-1989.

The writ petition is accordingly disposed of. No order as to costs.

Dr.G. YETHIRAJULU, J

Date: 11-11-2005

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